

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 15, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. Mayor Murphy adjourned the meeting at 3:48 p.m. into Closed Session at 9:00 a.m. on Tuesday, October 16, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor James Gordon of Horizon Fellowship.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

ITEM-30: Randa Trapp Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-450) ADOPTED AS RESOLUTION R-295570

Commending Randa Trapp for her service and contributions to the City;

Proclaiming October 15, 2001 to be "Randa Trapp Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A317-392.)

MOTION BY STEVENS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Clean Water Act Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-476) ADOPTED AS RESOLUTION R-295569

Recognizing the accomplishments and value of the Clean Water Act and the Clean Water Network in helping to make San Diego a healthy, thriving, and vibrant community;

Proclaiming October 18, 2001 to be "Clean Water Act Day" in San Diego.

SUPPORTING INFORMATION:

The Clean Water Act, the primary Federal Law that protects our nation's waters and works to ensure Americans will enjoy clean water for swimming and fishing, is embarking on its 30th year.

Capretz

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A407-464.)

MOTION BY FRYE TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Request for Reconsideration - Master Plan Development Permit/Coastal Development Permit No. 99-1076 - Naval Training Center Project.

(See memo from Councilmember Byron Wear dated 10/4/2001. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Consideration of motions to: TO BE RECONSIDERED ON MONDAY,
NOVEMBER 19, 2001

- (1) Waive the Permanent Rules of Council, Section 22.0101 of the San Diego Municipal Code. **Waiver of the Permanent Rules of Council requires a vote of two-thirds of the Councilmembers (6 votes required).**
- (2) Reconsider the Master Plan Development Permit/Coastal Development Permit No. 99-1076 for the Naval Training Center Project.

On July 17, 2001, the City Council took an action to accept 28 policy modifications to the Local Coastal Program for NTC as suggested by the California Coastal Commission. On September 11, 2001, the Coastal commission took final action to certify these LCP amendments. In order to ensure that the 28 modifications are contained in the NTC permitting documents, it is necessary and prudent to make conforming changes to the Master Plan Development Permit/Coastal Development Permit No. 99-1076 issued by the City prior to final Coastal Commission action. Additionally, Coastal Commission staff supports the City's efforts to incorporate the 28 policy modifications to the LCP for NTC into the permitting documents for the project.

If the request for reconsideration is approved, the matter will be scheduled for a noticed public hearing at a future date.

FILE LOCATION: Progress Guide and General Plan, Naval Training Center
Land Use Entitlements (NA) (09) (67)

COUNCIL ACTION: (Tape location: C092-152.)

MOTION BY WEAR TO WAIVE THE PERMANENT RULES OF COUNCIL Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY WEAR TO RECONSIDER THE MASTER PLAN DEVELOPMENT PERMIT/COASTAL DEVELOPMENT PERMIT NO. 99-1076 FOR THE NAVAL TRAINING CENTER PROJECT WITH THE FOLLOWING DIRECTION FOR THE CITY MANGER TO RETURN TO COUNCIL BY NOVEMBER 19TH, 2001:
A) PROVIDE THE SPECIFIC SOIL AND GROUND-WATER CONTAMINATION REPORTS; B) PROVIDE THE NOTICE OF INTENT AND THE STORM WATER POLLUTION PREVENTION PLAN (IF THERE IS SUCH A REPORT.); C) PROVIDE THE DRAINAGE REQUIREMENTS WHICH ARE ON THE VESTING TENTATIVE MAP, AND DETAIL WHAT REQUIREMENTS HAVE BEEN MET AND ANY REPORTS THAT ARE NOTED IN THAT; D) PROVIDE SOME OF THE SIGHT DEVIATIONS THAT SUPPOSEDLY WILL RESULT IN FLOODING; AND HAVE SOME DISCUSSION ON THAT; E) PROVIDE THE DOWNSTREAM DRAINAGE STUDY; F) PROVIDE A BRIEFING AS TO WHAT'S GOING ON WITH THE DIFFERENT PARCEL NUMBERS SO COUNCIL AND THE PUBLIC CAN UNDERSTAND WHAT'S HAPPENING. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-50: Exempting the Position of Executive Director for the Ethics Commission from the Classified Service.

ETHICS COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-33) INTRODUCED; TO BE ADOPTED ON MONDAY,
OCTOBER 29, 2001

Introduction of an Ordinance exempting the position of Executive Director for the Ethics Commission from the Classified Service pursuant to Charter Section 117(a)17 and declaring it to be in the Unclassified Service of the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B078-133.)

CONSENT MOTION BY WEAR TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Fiscal Year 2002 San Diego Convention Center Corporation Budget.

(See City Manager Reports CMR-01-208 and CMR-01-187.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-375) ADOPTED AS RESOLUTION R-295571

Approving the Fiscal Year 2002 Budget in the amount of \$32,135,565 for the San Diego Convention Center Corporation.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 9/26/2001, RULES voted 5-0 to approve the San Diego Convention Center Corporation's FY 2002 budget as reflected in City Manager Report CMR-01-187. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET (62)

COUNCIL ACTION: (Tape location: B078-133.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Appointments to the Senior Affairs Advisory Board.

(See memorandum from Mayor Murphy with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-415 Cor. Copy) ADOPTED AS RESOLUTION R-295572

Council confirmation of the following appointments by the Mayor to serve as members of the Senior Affairs Advisory Board, in categories listed and for terms indicated:

<u>Name</u>	<u>Category</u>	<u>Term Expiration</u>
Dr. Paul Thomas	City at Large Sr. Representative	May 31, 2003
Jewell D. Hooper	City at Large Sr. Representative	May 31, 2003
William T. Liu	City at Large Sr. Representative	May 31, 2003
B. J. Spitler	City at Large Sr. Representative	May 31, 2003

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B078-133.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Memorial Community Park - Playground Upgrade Grant.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-398) ADOPTED AS RESOLUTION R-295573

Authorizing the application for and expenditure of State grant funds for playground upgrades at Memorial Community Park.

CITY MANAGER SUPPORTING INFORMATION:

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Park Bond) authorized funding for the California Integrated Waste Management Board (CIWMB) to administer a grant program to upgrade park playgrounds using recycled-content materials and to assist park districts in meeting state and federal accessibility standards. The CIWMB has allocated \$2,558,000 for the Park Playground Accessibility and Recycling Grant for the fall cycle of Fiscal Year 2001-2002. Grant awards shall not exceed \$50,000 for any one public playground.

The Park and Recreation Department plans to upgrade the children's playground at Memorial Community Park and this action authorizes a grant application to the CIWMB to fund accessibility components. The current playground surfacing is sand, so the area is not accessible for persons with disabilities. This project will install disabled accessible play equipment and pour-in-place surface made from recycled tires. This resilient surface is accessible to persons with mobility impairments. This proposal will eliminate about 9,800 pounds (4.9 tons) of tire rubber from the state's waste stream. The new playground will meet state and federal requirements for safety and accessibility per the Americans with Disabilities Act (ADA).

The proposed upgrade will create a fun, attractive, and accessible playground for children of all abilities to enjoy.

FISCAL IMPACT:

The total cost of this playground upgrade will be \$185,000. If the grant is secured the City will receive \$50,000. The project will be matched by the City with \$35,000 from the Park and Recreation Grant Match Funding CIP-20-013.0 approved in the City of San Diego Fiscal Year 2001/2002 Budget Appropriations Ordinance O-18964 and \$100,000 from the 2000 Park Bond Per Capita funding allocation approved by City Council Resolution R-293698 dated August 15, 2000.

Loveland/McLatchy/HL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B078-133.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Funding for Six Bikeway Projects.

(Mission Valley, Tierrasanta, Navajo, San Pasqual, Mount Hope, Torrey Pines, and Mira Mesa Community Areas. Districts-1, 4, 5, 6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-453) ADOPTED AS RESOLUTION R-295574

Authorizing the City Manager to accept and expend a total of \$419,500 in Transportation Development Account/Local Transportation Funds (TDA/LTF), and \$510,000 in TransNet Bikeway Funds for six bikeway projects;

Authorizing the addition of CIP-58-156.0 (Ocean Beach/Hotel Circle North Bikeway Design), CIP-58-157.0 (Vista Sorrento Parkway Bike Lanes), CIP-50-158.0 (Home Avenue/C Street Bike Path), CIP-58-159.0 (Tierrasanta Bike Path Design), CIP-58-160.0 (Mission Trails Bike Path Study), and CIP-58-161.0 (San Pasqual Road Bikeway Study) to the FY 2002 Capital Improvement Program;

Authorizing the appropriation and expenditure of \$150,000 in TDA/LTF Funds from CIP-58-156.0 (Ocean Beach/Hotel Circle North Bikeway Design), Fund No. 390065, for the design, permitting, and environmental documentation for a bike path connecting Pacific Highway to Hotel Circle North;

Authorizing the appropriation and expenditure of \$207,500 in TDA/LTF Funds from CIP-58-157.0 (Vista Sorrento Parkway Bike Lanes), Fund No. 390065, to widen Vista Sorrento Parkway between Sorrento Valley Boulevard and Lusk Boulevard to accommodate bike lanes;

Authorizing the appropriation and expenditure of \$62,000 in TDA/LTF Funds from CIP-58-158.0 (Home Avenue/ "C" Street Bike Path), Fund No. 390065, to design and construct a bike path connecting Home Avenue at Federal Boulevard to "C" Street at Quail Street;

Authorizing the appropriation and expenditure of \$410,000 in TransNet Bikeway Funds from CIP-58-159.0 (Tierrasanta Bike Path Design), Fund No. 30301, for the design, permitting, and environmental documentation for a bike path connecting the eastern end of Tierrasanta Boulevard to Mission Gorge Road at Princess View Drive;

Authorizing the appropriation and expenditure of \$50,000 in TransNet Bikeway Funds from CIP-58-160.0 (Mission Trails Bike Path Study), Fund No. 30301 to conduct a feasibility study of the next segment of the San Diego River Bike Path between Zion Avenue and Princess View Drive. The San Diego River Bike Path is ultimately planned to connect to Mission Trails Regional Park;

Authorizing the appropriation and expenditure of \$50,000 in TransNet Bikeway Funds from CIP-58-161.0 (San Pasqual Road Bikeway Study), Fund No. 30301, to determine the type and feasibility of a bikeway along San Pasqual Road between San Pasqual Valley Road (SR-78) and Ryan Drive;

Authorizing the Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget by appropriating \$150,000 in CIP-58-156.0, \$207,500 in CIP-58-157.0, \$62,000 in CIP-58-158.0, \$410,000 in CIP-58-159.0, \$50,000 in CIP-58-160.0, and \$50,000 in CIP-58-161.0, resulting in a total increase of \$929,500.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to accept and expend a total of \$419,500 in Transportation Development Account/Local Transportation Funds (TDA/LTF) and \$510,000 in TransNet Bikeway Funds for six bikeway projects.

1. \$150,000 from CIP-58-156.0 (Ocean Beach/Hotel Circle North Bikeway Design) for the design, permitting, and environmental documentation for a bike path connecting Pacific Highway to Hotel Circle. This is one of the missing segments of the San Diego River Bike Path, which is planned to connect the beaches with Mission Trails Regional Park. The application for funding for this project was approved per Resolution Number R-294837 and City Manager's Report Number CMR-01-084.

2. \$207,500 from CIP-58-157.0 (Vista Sorrento Parkway Bike Lanes) to widen Vista Sorrento Parkway between Sorrento Valley Boulevard and Lusk Boulevard to accommodate bike lanes. The application for funding for this project was approved per Resolution Number R-294837 and City Manager's Report Number CMR-01-084.

3. \$62,000 from CIP-58-158.0 (Home Avenue/C Street Bike Path) to design and construct a bike path connecting Home Avenue at Federal Boulevard to 'C' Street at Quail Street. The application for funding for this project was approved per Resolution Number R-294837 and City Manager's Report Number CMR-01-084.

4. \$410,000 from CIP-58-159.0 (Tierrasanta Bike Path Design) for the design, permitting, and environmental documentation for a bike path connecting the eastern end of Tierrasanta Boulevard to Mission Gorge Road at Princess View Drive. The application for funding for this project was approved per Resolution Number R-294837 and City Manager's Report Number CMR-01-084.

5. \$50,000 from CIP-58-160.0 (Mission Trails Bike Path Study) to conduct a feasibility study of the next segment of the San Diego River Bike Path between Zion Avenue and Princess View Drive. The San Diego River Bike Path is ultimately planned to connect to Mission Trails Regional Park. The application for funding for this project was approved per Resolution Number R-294837 and City Manager's Report Number CMR-01-084.

6. \$50,000 from CIP-58-161.0 (San Pasqual Road Bikeway Study) to determine the type and feasibility of a bikeway along San Pasqual Road between San Pasqual Valley Road (SR-78) and Ryan Drive. The application for funding for this project was approved per Resolution Number R-294837 and City Manager's Report Number CMR-01-084.

A total of 11 projects were originally submitted for SANDAG consideration. These were bicycle facilities proposed in community plans that were thought to be needed to improve conditions for bicyclists and/or close critical gaps in the bikeway system. The eleven City of San Diego projects competed for funding with numerous other projects applied for by the other agencies in the region. The six identified here were selected by the SANDAG Board, based on recommendations by the Bicycle and Pedestrian Advisory Committee (BPAC) to SANDAG.

FISCAL IMPACT:

Adding and expending a total of \$419,500 in Transportation Development Account/Local Transportation Funds (TDA/LTF), and a total of \$510,000 in TransNet Bikeway Funds.

Belock/Gonzalez/AH

Aud. Cert. 2200315.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B582-C065.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-104: Excusing Deputy Mayor Stevens from the Council Meetings of October 1 and 2, 2001 and the Land Use and Housing Committee Meeting of October 3, 2001.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-468) ADOPTED AS RESOLUTION R-295575

Excusing Deputy Mayor Stevens from attending the following regularly scheduled meetings, due to his attendance at the APTA Conference in Philadelphia:

1. - Council Meetings of October 1 and 2, 2001.
2. - Committee on Land Use and Housing meeting of October 3, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B078-133.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-105: Angle Parking on 45th Street.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-419) ADOPTED AS RESOLUTION R-295576

Permitting angle parking on the west side of 45th Street, south of Market Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the west side of 45th Street south of Market Street. Currently, there is parallel parking in this segment. This action will provide 3 additional parking spaces. Council approval is required according to San Diego Municipal Code Section 86.03.

A petition representing the one fronting property owner was submitted in support of this action.

The Encanto Neighborhoods Community Planning Group and the San Diego Unified School District support this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C066-084.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Authorizing the City Manager to Execute Agreements with CalTrans.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-443) ADOPTED AS RESOLUTION R-295577

Authorizing the City Manager to execute Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements with Caltrans.

CITY MANAGER SUPPORTING INFORMATION:

At this time, the State Department of Transportation recognizes the authority of the Mayor and City Council to enter into several different types of agreements for the acceptance or transfer of transportation funds between the City and the State. These agreements include Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements.

Caltrans has asked the City to clarify by Council resolution that the City Manager is authorized to execute these agreements, once they have been approved by the City Council.

This resolution would authorize the City Manager or his/her representative to execute the above agreements, upon approval by the Council.

FISCAL IMPACT:

None with this action.

Gonzalez/Holden/ VW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B078-133.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Cooperative Agreement with the Metropolitan Transit Development Board (MTDB) for Professional Services.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-477) ADOPTED AS RESOLUTION R-295578

Authorizing the City Manager to execute a cooperative agreement with the Metropolitan Transit Development Board (MTDB), for professional services in the area of engineering and planning (with the cost reimbursed by MTDB).

CITY MANAGER SUPPORTING INFORMATION:

Since 1986, the City of San Diego has provided a Senior Engineer to MTDB to assist with such services as designing traffic control signals for efficient transit movement, designing and locating bus stop and other transit facilities, and obtaining construction permits from the City of San Diego. Similarly, the City has provided a Senior Planner to MTDB to assist with land use/transit coordination, long range planning, project review, and joint development. The full cost of both positions is reimbursed to the City by MTDB.

The liaison positions assist MTDB in furthering transit projects and promoting coordination of development with transit. For example, the liaison engineer currently coordinates review of light rail and other major capital improvement projects with the City. He also coordinates and reviews new bus stop locations within the City. The liaison planner coordinates Transit First proposals with San Diego's City of Villages and works with developers to accommodate transit needs on their project sites.

The arrangement is formalized by a Cooperative Agreement, which is subject to renewal every five years. The MTDB Board has approved the five-year extension. This action would extend the agreement from July 1, 2001 to June 30, 2006.

FISCAL IMPACT:

None.

Ewell/Goldberg/MK

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C085-091.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

RETURNED TO CITY MANAGER DUE TO NOT BEING ON CLOSED
SESSION AGENDA

- A. Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).
- Agency Negotiator: Real Estate Assets Director.
- Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.
- Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.
- B. Property: Torrey Hills Neighborhood Park YMCA (APN-307-451-57).
- Agency Negotiator: Real Estate Assets Director.
- Negotiating Parties: YMCA
- Under Negotiation: New lease terms.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on October 16, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B134-139.)

ITEM-201: This item has been pulled from today's agenda at the request of the City Attorney's office and will be redocketed for Tuesday, October 23, 2001.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review

Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Carmel Valley Village Unit No. 3

N. C. W. Neighborhood 4A Unit No. 5

COMMUNITY AREA

Carmel Valley Community

Carmel Valley Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of

this notice, such person should communicate the objection on or before that date to the Director of Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-252: Retention of Outside Legal Counsel for the Water Department Central Operations Facility.

(R-2002-413)

Adopted as Resolution R-295470.

A Resolution approved by the City Council in Closed Session on Tuesday, September 18, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Attorney to execute an agreement with one of the firms on its Construction Litigation list, in an amount not to exceed \$500,000 for professional services related to mediation and/or litigation support on the Water Department Central Operations Facility;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$500,000 from Water Fund 41500, Account 4141, for the purpose of executing an agreement with the selected firm and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Aud. Cert. 2200303.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Domestic Violence Awareness Month.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-522) ADOPTED AS RESOLUTION R-295579

Proclaiming October 2001 to be "Domestic Violence Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A465-B024.)

MOTION BY ATKINS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Close the Book on Hate Month.

COUNCILMEMBERS FRYE AND MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-505) ADOPTED AS RESOLUTION R-295580

Commending the Anti-Defamation League, and proclaiming October 15 to November 16, 2001 as "Close the Book on Hate Month" in the City of San Diego.

SUPPORTING INFORMATION:

The Anti-Defamation League and Barnes & Noble are working in a joint partnership to promote tolerance and diversity through reading.

Lindquist

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B025-077.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:48 p.m. in memory of Ruth Elizabeth Hare as requested by Council Member Atkins and Harvey Mandel as requested by Council Member Wear.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C153-206.)